

**SHOREVIEW PLANNING COMMISSION  
MEETING MINUTES**

**September 22, 2009**

**CALL TO ORDER**

Chair Proud called the meeting of the September 22, 2009 Shoreview Planning Commission meeting to order at 7:01 p.m.

**ROLL CALL**

The following members were present: Chair Proud, Commissioners Feldsien, Ferrington, Mons, Schumer, Solomonson and Wenner.

**APPROVAL OF AGENDA**

MOTION: by Commissioner Schumer, seconded by Commissioner Wenner, to approve the agenda as submitted.

ROLL CALL: Ayes - 7 Nays - 0

**APPROVAL OF MINUTES**

Page 2: In the second to the last paragraph on page 2, Chair Proud noted the reference to the difference between undue hardship and subdivision hardship as distinguished under state law. Noting that Shoreview has not incorporated the two distinctions into its Code, he requested that moving forward staff remind the Commission of the distinction as appropriate.

MOTION: by Commissioner Schumer, duly seconded, to approve the August 25, 2009 Planning Commission meeting minutes as submitted.

ROLL CALL: Ayes - 7 Nays - 0

**REPORT ON CITY COUNCIL ACTIONS**

City Planner Kathleen Nordine reported that the City Council approved the minor subdivision for Peter and Phyllis Schmidt as recommended by the Planning Commission. The City Attorney did review whether a variance would be needed for the driveway that would have a 1-foot setback with the subdivision and found that a variance is not needed because the driveway is an existing condition.

**OLD BUSINESS****VARIANCE**

**FILE NO:** 2364-09-22  
**APPLICANT:** ANDREW HYDE  
**LOCATION:** 4128 RUSTIC PLACE

**Presentation by Senior Planner Rob Warwick**

This variance was considered by the Commission at its August meeting and tabled. The request is to widen an existing driveway and reduce the side setback to 1 foot. The required setback is 5 feet. Staff was asked to research driveways and parking areas permitted in the neighborhood. Staff examined over 60 properties and found 19 driveways that encroach into the side setback, but no variance applications were found for them. Since 1957, there have been only 20 permits issued for drives and parking area for these 60 properties, and on six of those 20 encroachments are now present. Staff also reviewed past municipal codes. Permits for driveways for the 5-foot setback was specified in the Building Code, which could be waived with the approval of the adjacent neighbor, which occurred on the property immediately north of the subject property. In 1983, the City adopted the 5-foot setback into the Development Code and since that time, a reduced setback requires a variance.

When approving a variance, findings must be determined that the variance request is a reasonable use of the property, not a result of circumstances created by the property owner, and will not change the character of the neighborhood. The applicant states there will be one car in the garage plus a van, a boat and two passenger vehicles during the boating season. When it is not boating season, the boat is stored off-site. He is unable to access the rear yard to expand parking without a variance because of a large mature maple tree.

It is staff's recommendation to approve the variance. Hardship exists with the location of the house and topography of the property, and the variance will not alter the character of the neighborhood.

Commissioner Ferrington asked if there is assurance that the boat will continue to be stored off-site in the future. Mr. Warwick responded that would be a difficult enforcement issue. If parking is permitted, the variance runs with the land. Future owners may choose to park other types of vehicles. City Attorney Filla stated that conditions can be attached to a variance approval, which is approving something the Code does not otherwise allow, but he also agreed that some conditions are very hard to enforce.

Chair Proud asked if the screening hedge between the two properties could be extended to screen the expanded driveway. Mr. Warwick stated that the hedge is on the adjacent property and any extension would rely on the neighbor's action. Staff has discussed plantings with the applicant, but the area is small for much screening.

Commissioner Feldsien asked if the parking extension would be paved.

Chair Proud opened the discussion to the applicant.

**Mr. Hyde**, Applicant, stated that the driveway will be paved with asphalt. He showed photograph view of the parking area from the neighbor's home, which shows only the tip of the van.

Commissioner Ferrington asked if any part of the parking pad would extend into the back yard. **Mr. Hyde** stated that the paved area will be from the rear of the garage, along side the garage and to the street.

Commissioner Mons stated that he believes the applicant has reasonable use of the property without the variance and is not convinced there is hardship to justify a variance. He questioned whether the side setback should be sacrificed for that many vehicles to be parked. There is sufficient stacking capability for parking without a variance. **Mr. Hyde** stated that because of the tree, he is unable to expand the garage or parking in the rear yard. With the boat parked off-site, there would be three vehicles parked outside seven months of the year.

Commissioner Wenner stated that his concern is compromising the integrity of the property on the border for the future. It seems that this situation has been created by the applicant who has perhaps outgrown his house. **Mr. Hyde** responded that in this market it would be a loss for him to sell and move. The house is not too small, but the parking space is too small.

Commissioner Solomonson stated that the applicant has done the right thing by applying for a variance. His preference would be to maintain the 5-foot setback, but over 30% of properties in the neighborhood have made similar improvements, which causes a dilemma.

**MOTION:** by Commissioner Mons, seconded by Commissioner Wenner to deny the variance request to reduce the side setback to 1.0 foot for the expansion of the driveway and parking area at 4128 Rustic Place, based on the following findings:

1. The applicant has failed to establish that he does not have reasonable use of the property; and
2. The Planning Commission finds that hardship is not present.

Discussion:

Chair Proud stated that he supports the staff recommendation. The applicant is doing the right thing and what he is asking is a present condition in the neighborhood. Enhancement and improvements need to be supported.

Commissioner Solomonson stated denying the variance is like saying it is okay to do this because so many others have made this type of improvement without variance approval. No records since 1960 show variance approval for this type of request. It is unfair to this applicant who has done the right thing to be denied when others have been able to do this.

Commissioner Mons responded that in his mind if this variance were to be granted, then the setback provision should be repealed. Standards have been created knowing they would be a higher, stricter standard than what was previously allowed.

Commissioner Feldsien stated that he is reluctant to support it because he would not want to set a precedent for this type of request.

Chair Proud stated that each application must stand on its own. City Attorney Filla noted that there is no precedent of the Planning Commission having approved this type of variance in this neighborhood. Even if there were, the Planning Commission is not bound by previous action.

ROLL CALL:           Ayes - 6                   Nays - 1 (Proud)

## **NEW BUSINESS**

### **VARIANCE**

**FILE NO.:           2367-09-25**  
**APPLICANT:       DORAN & JOY DOLTON**  
**LOCATION:          317 LION LANE**

#### **Presentation by City Planner Kathleen Nordine**

A variance is requested to construct a 20 x 25-foot addition on the north side of the house, which will encroach into the required 30-foot rear setback. The property is a corner lot that has a width of 75 feet in the front and 133 feet of width at the rear. The average depth is 173.9 feet. The house is 45 feet from the rear lot line. The northeast corner of the proposed addition would encroach into the rear setback by 3.7 feet.

The addition to the house includes a master bedroom, master bathroom, walk-in closet on the main level. The basement level will be a guest room with walk-in closet and second bedroom or craft room. A covered stoop over the front entry is also proposed for which a variance is not needed. One landmark maple tree will be removed.

Staff believes the addition is reasonable to expand living area in the house. Hardship is present with the lot and house orientation, which restrict buildable areas. Although a second story addition would not require a variance, staff believes a second story design would alter the character of the neighborhood, as there are mostly rambler style homes. The footprint of the existing house is small at 1165 square feet, and staff believes the expansion request is

reasonable.

Commissioner Mons stated that there is 7.3 feet at the northwest corner of the house to pull back the addition, which would decrease the encroachment. Ms. Nordine responded that staff believes the addition is in the best location, but there is 7.3 feet to pull it further back from the property line.

Chair Proud opened the discussion to the applicant.

**Mr. Dolton**, Applicant, stated that his family has owned the property since the 1960s and has significant ties to the neighborhood and property. The interior remodeling would be extensive to expand the home in any other direction. The intent is to give each child their own room. In working with the architect, this was the best option.

Commissioner Schumer noted that the house to the north will see the addition only minimally as that house is set forward on that property and there is a shed between the two homes.

Commissioner Ferrington agreed and stated that this four feet of encroachment is the least offensive to the neighborhood. She also supports this type of remodeling and upgrade to Shoreview homes that should be encouraged.

**MOTION:** by Commissioner Schumer, seconded by Commissioner Ferrington to adopt Resolution 09-78 approving the variance request, subject to the following conditions:

1. The project must be completed in accordance with the plan submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
2. One landmark tree will be removed as a result of the addition, requiring one replacement tree. A landscape plan detailing the location and species of the replacement tree shall be submitted and approved by the City Planner. A landscape surety is required prior to issuance of a building permit.
3. Final plans for the front stoop and gable improvements must be submitted with the building permit application and approved by the City Planner.
4. This approval will expire after one year if a building permit has not been issued and work has not begun on the project.
5. This approval is subject to a 5-day appeal period. Once the appeal period expires, a building permit may be issued for the proposed project. A building permit must be obtained before any construction activity begins.

The approval is based on the following findings:

1. Strict application of rear setback requirement would require an addition to the residence only with extensive remodeling and modification. The request is reasonable due to the size of the existing home and interior layout.

2. Hardship exists due to the orientation of the lot and the orientation of the existing structure. This situation was not created by the landowners and are circumstances unique to the property.
3. When viewed from the street, the encroachment of the addition on the Northeast corner of the house will not be highly noticeable. The proposed setback will not alter the character of the neighborhood.

**Discussion:**

Commissioner Solomonson offered an amendment to add the following clarification after the word “request” in the first paragraph, “to reduce the rear yard setback from 30 feet to 26.3 feet at 317 Lion Lane.”

Commissioners Schumer and Ferrington accepted the amendment.

Commissioner Mons stated that he is reluctant to use any rationale that because of the time this family has been in the community means their request should be approved. Also, while he respects staff’s work, just because staff makes certain recommendations does not mean the Commission should adopt them.

Commissioner Ferrington clarified her statement that the application is consistent with long-term goals of the City to renew and restore neighborhoods.

ROLL CALL:           Ayes - 7                           Nays - 0

**SITE AND BUILDING PLAN REVIEW**

**FILE NO.                   2366-09-24**

**APPLICANT:           CITY OF SHORVIEW**

**LOCATION:               4615 VICTORIA STREET NORTH**

**Presentation by Senior Planner Rob Warwick**

The proposal is for an expansion to the Maintenance Center. There is a 50-foot power line right-of-way owned by Xcel Energy through the middle of the property. The site is riparian to Lake Martha. The expansion is to meet current and future maintenance operations of the City. The site consists of approximately 13 acres with 8.5 acres of upland area. The remaining area is wetland and a portion of Lake Martha. The site has three access drives. Two drives are shared, one with SummerHouse on the North and one with Ramsey County on the south for the Ice Arena.

Two additions are proposed. One is a two-story office addition with a footprint of 3,154 square feet and the other a service bay for vehicles with a footprint of 4,553 square feet. Underground infiltration chambers for storm water management will be installed in the yard. An additional 20 parking stalls will be put in using pervious concrete. This will bring the total number of parking

stalls to 49. The minimum parking required based on square footage is 66 stalls. The City takes into consideration car pooling and nearby shared public parking if there is an overflow. Two islands will be added to the parking area with shade trees. A 5500 square foot salt storage structure will be constructed and two detached storage buildings will be removed. A number of LEED practices will be used, such as a white roof, new HVAC system, gray water system to collect water off the roof, use of pervious concrete to infiltrate roof runoff, bringing storm water management into compliance with regulations, rain gardens, and shoreland buffer. The City is seeking LEED certification for the building.

The site is zoned R1 Detached Residential District with the SummerHouse senior residence to the north, the Ramsey County ice arena to the south, the library across Victoria to the east, and industrial uses to the west. Public and quasi public uses this district are generally reviewed based on the standards of the Office District. In this instance, because of the site use, Industrial District standards will be used. It is also in the Shoreland Overlay District, adjacent to Lake Martha. Impervious surface allowed is the greater of a maximum of 40% of lot area, or existing lot coverage. Existing impervious surface is 34% plus portions of the operations yard. The proposed impervious would be 38% plus portions of the operations yard. With restored vegetative areas, impervious surfaces will decrease by at least 30,000 square feet.

The architectural design will give a face lift to the existing structure on the north, south and east. The design will include brick pilasters, a parapet added to the existing roof line, and use of brick with a pitched asphalt roof for the new addition. Windows are heavily used in both additions and overhead doors for the service bay will be glass, similar to those added recently at Fire Stations Nos. 3 and 4.

The site is bordered by mature pines along the street and south lot lines. No landmark trees will be removed. Several trees will be moved. Eight conifers will be planted to add to the shade trees on the north lot line.

The salt storage structure is an accessory structure 60 x 85 feet. Two existing detached accessory buildings will be removed.

Notices were sent to property owners within 350 feet of the project. No comments were received. Staff finds the project consistent with the Development Code and recommends it be forwarded to the City Council for approval.

Commissioner Mons stated that his only concern is the salt storage structure. They are not attractive structures, but he does not believe it will be very visible even with its higher elevation. He asked the distance of the structure from Victoria Street and from the west side of SummerHouse. Mr. Warwick answered, 450 to 500 feet from Victoria and 600 to 700 feet from SummerHouse.

Commissioner Mons asked if consideration was given to treating storm water at the pond for SummerHouse, which has a significant more capacity than its current use. **Mr. David Olds, Beutow & Associates**, responded that part of the requirements for LEED certification is that

90% of storm water is treated on site. A pond was planned, but with the rain garden, pervious paving and re-use of roof water, the pond was removed.

**Mr. Dave Olds**, Beutow & Associates, stated that he is proud of the upgrade work that is being done to this building that will make it a more significant member of the Commons Area.

Commissioner Ferrington commended Mr. Olds for the impressive design and improvements to this building in the community that will set a precedent for the future.

**MOTION:** by Commissioner Solomonson, seconded by Commissioner Feldsien to recommend that the City Council approve the Site and Building Plan application for an addition and site improvements for the City of Shoreview Maintenance Center, 4615 Victoria Street North, subject to the following conditions:

1. The property shall be developed in accordance with the plans submitted as part of this application. Minor changes to the plan may be allowed provided approval is received from the City Planner. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission and City Council.
2. The project is subject to the permitting requirements of the Rice Creek Watershed District (RCWD), and a copy of the RCWD permit shall be submitted to the City prior to issuance of a building permit for the project.
3. Erosion and Sediment Control BMPs shall be installed prior to any site disturbance, and maintained during construction in accordance with City regulations.
4. The plans shall be revised showing a construction entrance. No site access from Highway 96 is permitted.
5. A tree protection plan shall be submitted and approved by the City Planner prior to issuance of a building permit.
6. A shoreline restoration plan shall be submitted and approved by the City Planner and the RCWD prior to issuance of a building permit.
7. Construction work shall comply with City regulations, except that no work shall be permitted on Sundays or holidays observed by the City.
8. This approval shall expire after one year if a building permit has not been issued and work has not begun on the project.

This approval is based on the following findings:

1. The proposed use is a permitted use in the R-1 Detached Residential Zoning District.
2. The project is consistent with the goals and policies of the 2008 Comprehensive Plan and the City's Surface Water Management Plan, and complies with the requirements specified in the Municipal Code.
3. The development will not have a significant adverse impact on the surrounding property.
4. The development will improve water quality and runoff control from the site.

**ROLL CALL:** Ayes - 7 Nays - 0



**MISCELLANEOUS**

Commissioner Schumer and Chair Proud will respectively attend the October 5<sup>th</sup> and October 19<sup>th</sup> City Council meetings.

**ADJOURNMENT**

MOTION: by Commissioner Mons, seconded by Commissioner Feldsien  
to adjourn the September 22, 2009 Planning Commission meeting at  
8:23 p.m.

ROLL CALL: Ayes - 7 Nays - 0

ATTEST:

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Kathleen Nordine  
City Planner